



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (ABA) NO.125 OF 2025

(Shriram s/o Madhukar Kharate Vs. The State of Maharashtra thr. PSO PS Nandura,
Dist. Buldhana)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. A. M. Tirukh, Advocate for Applicant.
Ms. T. H. Udeshi, APP for Non-Applicant/State.
Mr. Vivek Awachat, Advocate for Assist to Prosecution.

CORAM: URMILA JOSHI PHALKE, J.

DATE: 7th APRIL, 2025.

1. Apprehending the arrest at the hands of police in connection with Crime No.3/2025 registered with Police Station, Nandura for the offences punishable under Sections 109, 118(1), 115(2), 352, 351(2), 351(3) read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023, the applicant approached this Court for grant of pre-arrest bail.

2. Heard learned counsel for the applicant who submitted that the crime is registered on the basis of report lodged by Malubai Kharate on an allegation that out of a previous dispute, her husband was assaulted by the present applicant. On the basis of the said report, police have registered the crime. He submitted that as far as the recitals of the FIR are concerned and the role attributed to the present applicant is concerned only allegation that he has assaulted by means of fist and kick blows. Thus, nothing is to be recovered from the present applicant. He has

co-operated with the investigating agency. In view of that, the ad-interim protection granted to the present applicant deserves to be confirmed.

3. Learned APP strongly opposed for the same on the ground that in furtherance of the common intention, the husband of the informant is assaulted by the present applicant and the other co-accused. In view of that his custodial interrogation is required, and therefore, the application deserves to be rejected.

4. On hearing both the sides and on perusal of the investigation papers, it reveals that only allegation against the present applicant is that he was assaulted by fist and kick blows. As far as the custodial interrogation is concerned which is not required and nothing is to be recovered from the present applicant. In view of that the application deserves to be allowed. Accordingly I proceed to pass following order:

ORDER

- (i) The application is allowed.
- (ii) The interim protection granted to the present applicant by order dated 28.02.2025 is hereby confirmed on the condition that the applicant shall attend the concerned police station once in a week on Monday between 10:00 a.m. to 01:00 p.m. till filing of the charge-sheet and shall co-operate with the

investigating agency.

- (iii) He shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

- 5. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)